

## **Assembly Bill No. 1739**

### **CHAPTER 83**

An act to add Section 31720.4 to the Government Code, relating to county employees' retirement.

[Approved by Governor July 15, 2010. Filed with  
Secretary of State July 15, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1739, Lieu. County employees' retirement: disability: military leave.

The County Employees Retirement Law of 1937 permits a member permanently incapacitated for the performance of duty to be retired for disability regardless of age only if the member's incapacity is a result of injury or disease arising out of, and in the course of, the member's employment, and the employment contributes substantially to the incapacity or the member has complete 5 years of service, as specified. Existing law permits the spouse of a member who dies in service after 5 years of service or as a result of service-connected injury or disease to elect a combined death benefit.

This bill would, in Los Angeles County, upon adoption by the board of supervisors or a district governing body, require that a member who becomes permanently incapacitated for the performance of duty with his or her county or district as a direct result of injury or disease arising out of, and in the course of, active military service while on military leave, as defined, be retired for nonservice-connected disability regardless of age or years of service. The bill would also permit the surviving spouse of a member who dies in the course of this active military service to receive the combined death benefit without regard to what would otherwise be required with regard to the member. The bill would provide that the right to these benefits is not vested with respect to any member prior to the member's retirement or death.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31720.4 is added to the Government Code, to read: 31720.4. (a) Notwithstanding subdivision (b) of Section 31720, a member who becomes permanently incapacitated for the performance of duty with his or her employing county or district as a direct consequence and result of injury or disease arising out of, and in the course of, active military service while on military leave from the county or district, shall be retired for nonservice-connected disability regardless of age or years of service.

(b) Notwithstanding any provision to the contrary in Section 31781.3, the surviving spouse of a member who dies as a direct consequence and result of injury or disease arising out of, and in the course of, active military service while on military leave from his or her employing county or district, shall be entitled to the combined benefit under Section 31781.3 regardless of the member's years of service at the time of death.

(c) For the purposes of this section:

(1) "Active military service" means full-time duty within a branch of the Armed Forces of the United States.

(2) "Military leave" means an authorized leave of absence taken from a member's employing county or district as a result of a member being called to active military service because of his or her position as a reservist or member of the National Guard.

(d) This section shall apply only to the County of Los Angeles and shall not be operative with regard to the county, or a district within the county, until the board of supervisors of the county, or the governing body of the district, elects, by resolution adopted by a majority vote, to make this section operative. The adoption of a resolution making this section operative shall not create a vested right with respect to any member prior to the member's retirement or death. The board of supervisors or the governing body of the district may repeal or amend the resolution at any time, except to the extent that it would affect a member who is retired or is deceased at the time of the repeal or amendment.